

**Introduced by Senator Lara**

February 22, 2013

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An act relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 663, as introduced, Lara. Sexual assault: victims with intellectual and developmental disabilities.

Existing law proscribes various types of sexual assault, including the crime of rape, which is punishable by imprisonment in the state prison for 3, 6, or 8 years.

Existing law also specifically proscribes crimes committed against elder and dependent adults. Existing law defines, for purposes of these provisions, a "dependent adult" to mean any person who is between 18 and 64 years of age, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities.

This bill would express the intent of the Legislature to enact legislation that would help to ensure that there is justice for individuals with intellectual and developmental disabilities who are victims of sexual assault and would set forth related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) The Legislature hereby finds and declares  
2     all of the following:

1 (1) Research has found that despite a high number of sexual  
2 assaults committed against people with intellectual disabilities,  
3 there are very few criminal convictions in these cases.

4 (2) Research indicates that no action was taken in almost half  
5 of these cases and that prosecution or disciplinary action took place  
6 in only 18.5 percent of the cases.

7 (3) It has been reported that 65 percent of these cases that were  
8 reported to the police were not prosecuted because the police  
9 declined to press charges, usually citing the victim as an  
10 incompetent witness.

11 (4) It is understood that among the factors that contribute to the  
12 difficulty in obtaining criminal convictions in these cases is a lack  
13 of clear protocols and direction for law enforcement, and a lack  
14 of necessary or additional protections for people with intellectual  
15 and developmental disabilities.

16 (b) It is the intent of the Legislature to enact legislation that  
17 would help to ensure that there is justice for individuals with  
18 intellectual and developmental disabilities who are victims of  
19 sexual assault.